

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

XIAOYING HU,

Petitioner,

vs.

CHAD WOLF, Acting Secretary of The
Department of Homeland Security; TODD
BAHENSKY, in his capacity as Director of
Hall County Department of Correction; and
SHAWN BYER, U.S. ICE Field Office
Director for Nebraska;

Respondents.

8:20CV415

ORDER

This matter is before the Court on Defendant's Motion to Dismiss for Failure to State a Claim or Lack of Jurisdiction, Filing No. 5. A status conference was held on December 18, 2020. The parties agree the Plaintiff was released from ICE custody on December 11, 2020. She was released under conditions of ICE supervision. The Defendants in their brief urge the Court to dismiss the petition as moot, Filing No. 15. The court finds that due to the Plaintiff's release from ICE custody the issue of unlawful detention is moot.

THEREFORE, IT IS ORDERED THAT:

1. Defendant's Motion to Dismiss for Failure to State a Claim, Filing No. 5, is denied as moot.
2. Defendant's request to dismiss the petition for mootness is granted
3. The Plaintiff's petition is dismissed.

Dated this 18th day of December, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge